

P30027.A03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Keiichi TANAKA et al.

Group Art Unit : Not yet assigned

Appl. No. : 10/596,109

Examiner : Not yet assigned

Filed : May 31, 2006

Confirmation No. : 2149

For : PLAYBACK APPARATUS FOR PERFORMING
APPLICATION-SYNCHRONIZED PLAYBACK

**PETITION PURSUANT TO M.P.E.P. § 708.02(VIII) FOR
ACCELERATED EXAMINATION**

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants petition to accelerate examination of the above-captioned application pursuant to 37 C.F.R. § 1.102, and submit herewith the following information, in accordance with the requirements set forth in M.P.E.P. § 708.02, Section VIII:

(A) This Petition is accompanied by the required fee set forth in 37 C.F.R. § 1.17(h).

(B) The application, as filed and amended pursuant to a Second Preliminary Amendment filed contemporaneously herewith, includes ten (10) claims, labeled claims 1 and 3-11, one of which is presented in independent form (claim 1). Applicants submit that claims 1 and 3-11 are directed to a single invention. However, in the event that the

P30027.A03

U.S. Patent and Trademark Office determines that all the claims presented are not obviously directed to a single invention, Applicants agree to make an election without traverse.

(C) An international search was made by a foreign patent office for corresponding International Application No. PCT/JP2005/013785 (Publication No. WO 2006/009305), which satisfies the requirement for a pre-examination search because the pending claims of the present application, as amended pursuant to the Second Preliminary Amendment filed contemporaneously herewith, are of the same or similar scope to the claims in the corresponding PCT application. A copy of the International Search Report is included herewith.

(D) Applicants submit that the following documents, which were cited in the above-reference International Search Report, are deemed most closely related to the subject matter encompassed by the claims, copies of which are submitted to the Examiner of the present application in the Information Disclosure Statement filed contemporaneously herewith:

- (1) WO 2004/030356;
- (2) EP 1513152;
- (3) WO 2005/055206;
- (4) US 2002/199205;
- (5) EP 1463314;
- (6) WO 2004/049710;
- (7) WO 2004/025651;

P30027.A03

- (8) WO 2005/036383;
- (9) U.S. 5,644,782; and
- (10) U.S. 6,604,236.

In addition, Applicants submit the following document of which they are aware that is related to the subject matter encompassed by the claims, a copy of which is likewise submitted to the Examiner of the present application in the Information Disclosure Statement filed contemporaneously herewith:

- (11) JP 2001-517836.

(E) Applicants herewith provide the following detailed discussion of the above-mentioned references, pointing out how the claimed subject matter is patentable over the references:

The present application includes claims 1 and 3-11, one of which is an independent claim (claim 1). Independent claim 1 recites features that Applicants submit are not anticipated, suggested or rendered obvious by the references listed in Section (D), above.

The present invention is directed to a playback apparatus that plays a digital stream in conjunction with an application. More particularly, independent claim 1 recites a playback apparatus that includes a package manager operable to generate package information by merging a first file recorded on a first recording medium and a second file recorded on a second recording medium, in accordance with merge management information recorded on the second recording medium, where the merge management information indicates the second file for merging with the first file. The

P30027.A03

playback apparatus further includes a selector operable to select a title from multiple detected titles as a current title; an application executor operable to execute an application associated with the current title, the application requesting the package manager to generate new package information using new merge management information, which references a third file on the second recording medium for merging with the first file; and a playback controller operable to control playback of the digital stream associated with the current title. The package manager sets the third file to read-only when the application requests generation of the new package information, and generates the new package information when the digital stream playback stops due to a change of the current title.

Applicants submit that at least the above features recited in claim 1 are not disclosed or suggested by documents (1) to (11), noted above, either individually or in combination, for the following reasons:

WO 2004/030356 (document (1)) discloses a playback apparatus that plays back an AV stream recorded on a BD-ROM, as well as downloads an update kit from a web server and writes it to a local hard drive. See, e.g., Abstract of family member U.S. Patent Application Publication No. 2006/0098936. The playback apparatus dynamically combines the update kit with what has been recorded on the BD-ROM and performs playback of a package in a virtual version. See, e.g., para. [0102]. The update kit is read from a sub-directory based on a volume label from the BD-ROM when the BD-ROM is loaded onto the playback apparatus. See, e.g., para. [0299]. However, Applicants submit that this document does not disclose at least generating package

P30027.A03

information by merging a first file recorded on a first recording medium and a second file recorded on a second recording medium, in accordance with merge management information recorded on the second recording medium. Also, this document does not disclose a package manager that sets a third file to read-only when an application associated with a current title requests generation of new package information, and generating the new package information when the digital stream playback stops due to a change of the current title. Thus, Applicants submit that this reference fails to disclose and/or suggest the above-mentioned features recited in combination in independent claim 1. Also, with regard to claims 3-11, Applicants assert that they are allowable at least because they depend, directly or indirectly, from independent claim 1, which Applicants submit has been shown to be allowable over document (1).

EP 1513152 (document (2)) discloses modifying data read from read-only media by logically merging an on-disc directory tree and an associated off-disc directory tree to obtain a logical directory tree (L_DT). See, e.g., Abstract; para. [0024]. The on-disc directory tree is merged with the off-disc directory tree as soon as a disc is inserted into the player. See, e.g., paras. [0008], [0016]. However, Applicants submit that this document does not disclose a package manager that sets a third file to read-only when an application associated with a current title requests generation of new package information, and generating the new package information when the digital stream playback stops due to a change of the current title. Thus, Applicants submit that this reference fails to disclose and/or suggest the above-mentioned features recited in combination in independent claim 1. Also, with regard to claims 3-11, Applicants assert

P30027.A03

that they are allowable at least because they depend, directly or indirectly, from independent claim 1, which Applicants submit has been shown to be allowable over document (2).

WO 2005/055206 (document (3)) discloses creating a virtual file system that enables data being recorded on a recording medium to be combined with data downloaded from an external source. See, e.g., page 1, lines 8-11. More particularly, an optical recording and/or reproducing apparatus 10 stores an original file system, for example, on an optical disc, which includes only normal files. The original file system is bound together with a downloaded file system to create a virtual files system used to control the two file systems as a single file system. See, e.g., page 22, line 17 – page 23, line 10. However, Applicants submit that this document does not disclose a package manager that sets a third file to read-only when an application associated with a current title requests generation of new package information, and generating the new package information when the digital stream playback stops due to a change of the current title. Thus, Applicants submit that this reference fails to disclose and/or suggest the above-mentioned features recited in combination in independent claim 1. Also, with regard to claims 3-11, Applicants assert that they are allowable at least because they depend, directly or indirectly, from independent claim 1, which Applicants submit has been shown to be allowable over document (3).

WO 2002/199205 (document (4)) discloses a virtual storage adapter that provides networked data storage to a data processor for delivering consumer entertainment services using virtual devices accessed over a high speed quality-of-

P30027.A03

service-enabled communications network. See, e.g., Abstract; para. [0035]. The virtual storage adaptor includes a data storage device emulation unit 224 and a network interface 226. The emulation unit 224 emulates the operation of a data storage device, such as a CD drive or a DVD drive, accessing networked data through the network interface 226, so that commands are responded to as if the data storage device were local. See, e.g., paras. [0034] – [0037]. However, Applicants submit that this document does not disclose a package manager that sets a third file to read-only when an application associated with a current title requests generation of new package information, and generating the new package information when the digital stream playback stops due to a change of the current title. Thus, Applicants submit that this reference fails to disclose and/or suggest the above-mentioned features recited in combination in independent claim 1. Also, with regard to claims 3-11, Applicants assert that they are allowable at least because they depend, directly or indirectly, from independent claim 1, which Applicants submit has been shown to be allowable over document (4).

JP 2001-517836 (document (11)) discloses performing arbitrary actions when grafting one namespace into another namespace (of the same or another device) to create a logical namespace that can be presented to a user to access information in a logically consistent manner. See, e.g., Abstract; page 5, lines 16-25 of family member international application no. PCT/US98/19453 (Publication No. WO 99/15994). An active mount point driver, which is part of an I/O subsystem of an operating system, takes control of an I/O request when an active mount point is encountered during

P30027.A03

resolution of the I/O request. See, e.g., page 5, lines 26-30. However, Applicants submit that this document does not disclose a package manager that sets a third file to read-only when an application associated with a current title requests generation of new package information, and generating the new package information when the digital stream playback stops due to a change of the current title. Thus, Applicants submit that this reference fails to disclose and/or suggest the above-mentioned features recited in combination in independent claim 1. Also, with regard to claims 3-11, Applicants assert that they are allowable at least because they depend, directly or indirectly, from independent claim 1, which Applicants submit has been shown to be allowable over document (11).

Documents (5)–(10) have been identified by the international application Examiner as category “A,” as documents defining the general state of the art and are not considered to be of particular relevance. Therefore, documents (5) – (10) are not discussed in detail herein.

In view of the above, Applicants submit that independent claims 1 and 3-11 are not anticipated by any of the above-mentioned references. Further, Applicants submit that the above-noted distinctions are such that a person having ordinary skill in the art at the time of Applicants' invention would not have been motivated to modify or combine any of the above-mentioned references in such a manner so as to result in, or otherwise, render obvious, the present invention, as defined by claims 1 and 3-11. Accordingly, Applicants submit that claims 1 and 3-11 are allowable over the above-mentioned prior art references.

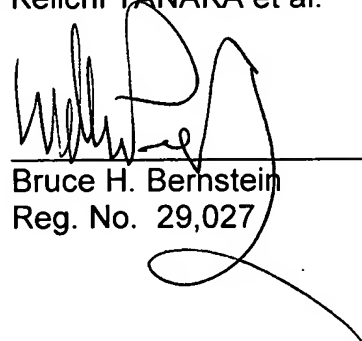
P30027.A03

Additionally, Applicants submit that the present Petition complies with all of the requirements (A) through (E) set forth in M.P.E.P. 708.02(VIII). Accordingly, Applicants respectfully request that this Petition to Make Special be granted and the examination of this application be accelerated.

Moreover, for at least the reasons set forth in (E), above, it is submitted that pending claims 1 and 3-11 of the present application are allowable over the prior art of record, and respectfully request an indication to such effect from the Examiner.

Should there be any questions or comments, the Examiner is respectfully requested to contact Applicant's representative at the below-listed telephone number in order to promptly resolve any such matters.

Respectfully submitted,
Keiichi TANAKA et al.

A handwritten signature in black ink, appearing to read 'Bruce H. Bernstein', is written over a horizontal line. The signature is stylized with a large, looping 'B' and a long, sweeping tail that extends downwards and to the right.

Bruce H. Bernstein
Reg. No. 29,027

William Pieprz
Reg. No. 33,630

August 17, 2006
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191